

MINUTES OF THE REGULAR MEETING OF THE FAIRFAX COUNTY
REDEVELOPMENT AND HOUSING AUTHORITY

July 31, 2003

On July 31, 2003, the Commissioners of the Fairfax County Redevelopment and Housing Authority (FCRHA) met in the FCRHA Board Room, One University Plaza, 4500 University Drive, Fairfax, Virginia, at 6:45 p.m., for a presentation. The presentation on Fairfax County Pay for Performance System was presented by Susan Woodruff, Assistant Director of the Fairfax County Department of Human Resources. After the presentation, Mrs. Woodruff answered questions from the Commissioners. Commissioner Kershenstein requested information on the compensatory time balance owed as a liability to the agency. Brief comments were made by Department of Housing and Community Development (HCD) Director Paula Sampson.

CALL TO ORDER

FCRHA Chair Conrad Egan called the regular meeting of the FCRHA to order at 7:05 p.m. FCRHA Commissioners present and absent for a portion or all of the meeting were as follows:

PRESENT

Conrad Egan
Ronald Christian
Kenneth Butler
Martin Dunn
Willard Jasper
John Kershenstein
H. Charlen Kyle
Elisabeth Lardner
Al McAloon
Lee A. Rau

ABSENT

Joan Sellers

Also present at the meeting were the following staff of the Department of Housing and Community Development (HCD): Paula C. Sampson, Director; Mary A. Stevens, Deputy Director; Harry Swanson, Deputy Director, Revitalization and Real Estate; Arlene-Quinones Vargas, Senior Program Manager, Revitalization Division; Patricia Schlener, Director of Administration; Kristina Norvell, Director of Public Affairs; Michael Finkle, Director of Housing Management Division; James Hall, Chief, Housing Services Branch; Linda Cushing, Senior Housing Services Specialist; Michael Wever, Senior Housing Services Specialist, Housing Management Division; Anne Morrison, Asset Manager; Stanley Underwood, Director, Financial Management Division; John Payne, Director, Design, Development and Construction Division (DD&C), Gordon Goodlett, Development Officer, Tom Overocker, Chief Housing Rehabilitation, DD&C Division; Erik Hoffman, Director, Real Estate Finance and Grants Management Division (REFGM); Audrey Spencer-Horsley, Housing/Community Developer IV; James Bray, Senior Real Estate Finance Officer; Louise Milder, Senior Real Estate Finance Officer, REFGM Division; Dotti J. Moorman, Housing/Community Developer III, David Bennett, Housing Community Developer, Michael Pearman, Management Analyst,

Deidre Ricks, Housing/Community Developer, III, REFGM Division; Barbara Silberzahn, Chief, Homeownership and Relocation Services (H&RS); Bonnie Conrad, Program Manager, (H&RS); Jodi Cienki, Administrative Associate, Housing Management Division; and Winifred A. Clement, FCRHA Assistant. Other Fairfax County staff in attendance included Verdiana Haywood, Deputy County Executive; David Bobzien, County Attorney, Alan Weiss and David Stroh, Assistant County Attorneys, FCRHA Counsels.

ELECTION OF OFFICERS

Nominations were opened for Chair of the FCRHA. Commissioner Butler made a motion, seconded by Commissioner Rau, nominating Commissioner Egan for re-election as Chair of the FCRHA. Another motion was made by Commissioner Kyle, seconded by Commissioner Kershenstein, to close the nominations for Chair. A vote was taken and the motion to elect Commissioner Egan as Chair carried unanimously.

A vote was taken on the election for Chair as follows:

AYE

Ronald Christian
Martin Dunn
Kenneth Butler
Willard Jasper
John Kershenstein
Charlen Kyle
Elisabeth Lardner
Albert McAloon
Lee Rau

NAY

ABSTAIN

Conrad Egan

After his re-election, Chairman Egan received congratulations from his fellow Commissioners. He thanked them for re-electing him to another term of office and noted that he looked forward to working with the FCRHA for another term.

Nominations were opened for Vice-Chair. A motion was made by Commissioner Jasper, seconded by Commissioner Kyle, nominating Commissioner Christian as Vice-Chair of the FCRHA.

A motion was made by Commissioner McAloon, seconded by Commissioner Kyle, to close the nominations for Vice-Chair and reelect Commissioner Christian as the Vice-Chair of the FCRHA. The motion carried, with Commissioner Christian abstaining.

A vote was taken on the motion to elect Commissioner Christian as Vice-Chair as follows:

AYE

Conrad Egan
Martin Dunn
Kenneth Butler
Willard Jasper
John Kershenstein
Charlen Kyle
Elisabeth Lardner
Albert McAloon
Lee Rau

NAY

ABSTAIN

Ronald Christian

The motion carried and Commissioner Christian was elected Vice-Chair. Commissioner Kershenstein and other Commissioners congratulated Mr. Christian for his re-election as Vice Chair of the FCRHA.

The FCRHA Chair closed the elections at 7:10 p.m.

CITIZEN TIME

The Chair opened Citizen Time at 7:10 p.m. and introduced Ms. Nancy Taxon of Home Stretch Transitional Housing. Ms. Taxon testified against proposed changes to the requirements for acquisition grant recipients relating to notification.

With no other speaker in the audience wishing to speak, the FCRHA Chair closed Citizen Time at 7:15 p.m.

At this juncture, Chairman Egan acknowledged the presence of Messrs David Bobzien, County Attorney, and Verdia Haywood, Deputy County Executive, in the audience.

APPROVAL OF MINUTES

A motion was made by Commissioner Jasper, seconded by Commissioner Kyle, to adopt the minutes of the June 26, 2003 meeting as written. A vote was taken, and the motion carried unanimously, with Commissioner Rau abstaining because he did not attend the meeting.

Chairman Egan announced that Commissioner Christian will be leaving before the meeting was over.

ACTION ITEMS

AUTHORIZATION TO ENTER INTO CONTRACTS BETWEEN THE
FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY
AND NONPROFIT ORGANIZATIONS RECEIVING COMMUNITY
DEVELOPMENT BLOCK GRANT FUNDS
(PROVIDENCE, HUNTER MILL AND MASON DISTRICTS)

BE IT RESOLVED that the Fairfax County Redevelopment and Housing Authority (FCRHA) authorizes the Chairman, Vice Chairman, or any Assistant Secretary of the FCRHA to execute contracts between the FCRHA and (1) Reston Interfaith in the amount of \$264,913 to purchase and rehabilitate four townhouses to be rented to Section 8 Housing Choice Voucher holders in the Reston and Herndon areas of Fairfax County; (2) Wesley Housing Development Corporation in the amount of \$150,000 for acquisition and construction costs for land for a 27-unit apartment building that will be completely accessible to people with physical disabilities in Oak Hill, Virginia; and (3) Homestretch, Inc. in the amount of \$106,000 for the acquisition of three condominium units to provide transitional housing for homeless families in the Falls Church and Annandale areas of Fairfax County, Virginia.

A motion was made by Commissioner Christian, seconded by Commissioner McAloon, to adopt Resolution 49-03. Commissioner Rau advised the Commissioners he would be abstaining from any discussion or action due to his voluntary role as a pro-bono legal counsel for Reston Interfaith.

During a discussion of this resolution, Commissioner Butler indicated his opposition to this item unless it was amended to include the changes he proposed. Commissioner Jasper indicated his support for the resolution, stating that it would not be fair to the organizations involved to change the rules at this stage. Commissioner Christian supported Commissioner Jasper's suggestion to pass the resolution on the floor and consider the proposed changes later.

A vote was taken on the motion to adopt Resolution Number 49-03 after discussion, as follows:

AYE

Conrad Egan
Ronald Christian
Martin Dunn
Willard Jasper
Charlen Kyle
Elisabeth Lardner
Albert McAloon

NAY

Kenneth Butler
John Kershenstein

ABSTAIN

Lee Rau

The motion carried with Commissioners Butler and Kershenstein voting nay. Commissioner Rau abstained to avoid the appearance of a possible conflict of interest.

Chairman Egan announced his intention to abstain for Resolution Numbers 53-03, 54-03, and 55-03 to avoid a possible conflict of interest and turned the gavel over to Vice-Chair Christian.

2. RESOLUTION NUMBER 53-03

AUTHORIZATION TO ENTER INTO A LENDING AGREEMENT WITH THE
PRESERVATION OF AT-RISK PROJECTS CONTRACT AWARDEE

WHEREAS, the Fairfax County Redevelopment and Housing Authority (FCRHA) wishes to assist in the preservation of low and moderate income housing in Fairfax County; and

WHEREAS, the FCRHA has adopted a preservation strategy to partner with nonprofit organizations for the acquisition and preservation of at-risk properties to further this objective; and

WHEREAS, The Housing Partnership Network and its partners (the Network) have responded to a Request for Proposals and have expressed interest in this initiative and are qualified to assist in the preservation of at-risk properties; and

WHEREAS, the FCRHA authorized the award of the preservation of at-risk projects contract to the Network; and

WHEREAS, the FCRHA and the Fairfax County Board of Supervisors have authorized the establishment of the Preservation Loan Fund as a source of partial short term financing funds for the acquisition and preservation of at-risk properties;

NOW, THEREFORE, BE IT RESOLVED that the FCRHA authorizes the execution of a lending agreement with the Network for loans from the Preservation Loan Fund in accordance with the form presented at its meeting on July 31, 2003.

Chairman Egan advised the FCRHA that he would be abstaining from all discussion and voting on this matter and the next item to avoid any potential perception of conflict of interest. He turned the gavel over to Vice Chair Ron Christian.

After brief presentation by Erik Hoffman, Director of Real Estate Finance and Grants Management, HCD, he responded to questions from the Commissioners. A vote was taken on Resolution Number 53-03, and the motion carried, with Commissioner Egan abstaining.

3. RESOLUTION NUMBER 54-03

AUTHORIZATION, SUBJECT TO THE APPROVAL OF THE BOARD OF SUPERVISORS, TO REALLOCATE AND AUTHORIZE DISBURSEMENT OF UP TO \$50,000 IN TIER TWO PREDEVELOPMENT FUNDS FROM THE AFFORDABLE HOUSING PARTNERSHIP PROGRAM FUND OF THE HOUSING TRUST FUND AS A LOAN TO THE ISLAND WALK LIMITED PARTNERSHIP (HUNTER MILL DISTRICT)

BE IT RESOLVED that the Fairfax County Redevelopment and Housing Authority (FCRHA) hereby authorizes, subject to the approval of the Board of Supervisors, the reallocation and disbursement of up to \$50,000 in Tier Two Predevelopment funds from the Affordable Housing Partnership Program Fund of the Housing Trust Fund to the Island Walk Limited Partnership (CPDC Island Walk, Inc. as General Partner) for the purpose of conducting studies relating to the acquisition and rehabilitation of up to 102 rental units at Island Walk Cooperative; and

BE IT FURTHER RESOLVED that, subject to the approval of the Board of Supervisors, the FCRHA hereby authorizes its Chairman, Vice Chairman or any Assistant Secretary to enter into a loan to Island Walk Limited Partnership in the amount of \$50,000 from the Affordable Housing Partnership Program Fund of the Housing Trust Fund for the purpose of providing predevelopment funds to Island Walk Limited Partnership to be used toward the acquisition and rehabilitation of Island Walk Cooperative. In addition, the FCRHA authorizes its Chairman, Vice Chairman or any Assistant Secretary to execute all documents and agreements necessary or appropriate in connection with the loan.

A motion was made by Commissioner Rau, seconded by Commissioner Jasper, to adopt Resolution Number 54-03.

A brief presentation was given by Louise Milder, Senior Real Estate Finance Officer, REFGM Division. Commissioner Christian thanked Ms. Milder for the presentation.

A vote was taken, and the motion to adopt Resolution Number 54-04 carried, with Commissioner Egan abstaining. The gavel was returned to Chairman Egan.

4. RESOLUTION NUMBER 55-03

INDUCEMENT RESOLUTION OF THE FAIRFAX COUNTY REDEVELOPMENT AND
HOUSING AUTHORITY IN CONNECTION WITH THE ISSUANCE AND SALE OF BONDS
FOR ISLAND WALK (HUNTER MILL DISTRICT)

WHEREAS, the Fairfax County Redevelopment and Housing Authority (the "Authority") is a political subdivision of the Commonwealth of Virginia, established pursuant to the Virginia Housing Authority Law, Title 36, Chapter 1, *Code of Virginia*, 1950, as amended (the "Act"), and is authorized thereby to issue its notes and bonds from time to time to fulfill its public purposes within the meaning of the Act; and

WHEREAS, pursuant to and in accordance with the Act, the Authority desires to issue and sell its Multifamily Housing Revenue Bonds (Island Walk) Series 2004 in the aggregate principal amount not to exceed \$9,700,000 (the "Bonds"); and

WHEREAS, the proceeds of the Bonds will be used in part to provide financing for the acquisition and rehabilitation of a 102-unit multifamily housing project known as Island Walk (the "Project"), located in Fairfax County, at 1701 Torrey Pines Court, Reston, Virginia; and

WHEREAS, the Project will be owned by a limited partnership with Community Preservation and Development Corporation, or a related entity, as the managing general partner, such partnership to be formed prior to issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED by the Fairfax County Redevelopment and Housing Authority that:

1. The issuance and sale of the Bonds will serve a valid public purpose by maintaining and preserving housing in the community to provide decent, safe and sanitary housing to persons of low income and advancing the commerce, welfare and prosperity of Fairfax County, Virginia, and its people.

2. The Bonds are and will be limited obligations and payable from the revenues pledged thereto pursuant to the Trust Indenture pursuant to which the Bonds will be issued. As required by the Act, the Bonds shall not be a debt of Fairfax County, Virginia, the Commonwealth of Virginia or any political subdivision thereof (other than the Authority) and neither Fairfax County, Virginia, nor the Commonwealth of Virginia or any political subdivision thereof (other than the Authority) will be liable thereon, nor in any event shall the Bonds be payable out of any funds other than those received by the Authority from the Project. The Bonds shall not constitute an indebtedness by the Authority within the meaning of any constitutional or statutory debt limitation or restriction.

3. In adopting this resolution, the Authority is evidencing its intent to issue and sell the Bonds and is taking "official action" toward issuance of the Bonds within the meaning of the regulations issued by the Internal Revenue Service under Section 103 of the Internal Revenue Code of 1986, as amended.

4. The Secretary or any Assistant Secretary is authorized to advertise and take other necessary steps for the holding of a public hearing pursuant to the Tax Equity and Fiscal Responsibility Act of 1982 at a regularly scheduled meeting of the Authority.

5. This resolution shall take effect immediately upon its adoption.

After a brief presentation by James Bray, Senior Real Estate Finance Officer, REFGM Division, a motion was made by Commissioner Rau, seconded by Commissioner Dunn, to adopt Resolution Number 55-03. A vote was taken, and the motion to adopt Resolution Number 55-03 carried unanimously.

As announced earlier, Commissioner Christian left the meeting after the adoption of Resolution Number 55-03.

5. RESOLUTION NUMBER 56-03

CONSENT TO THE REVISED CONDEMNATION OFFER AND AWARD MADE BY THE
FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL
SERVICES FOR THE IMPLEMENTATION OF THE BAILEYS CROSSROADS
STREETSCAPE PROJECT IN CONNECTION WITH THE FAIRFAX COUNTY
REDEVELOPMENT AND HOUSING AUTHORITY MULTIFAMILY REVENUE BONDS
(FHA-INSURED MORTGAGE GRAND VIEW APARTMENTS PROJECT)
SERIES 1998 A AND SERIES 1998 B

WHEREAS, the Fairfax County Redevelopment and Housing Authority (hereinafter called the "Authority") issued its \$8,250,000 and \$310,000 Multifamily Housing Revenue Bonds (FHA-Insured Mortgage-Grand View Apartments Project) Series 1998 A and Series 1998 B, which were issued to finance a portion of the costs for the acquisition and rehabilitation of a multifamily residential rental project located in Fairfax County, Virginia and Arlington County, Virginia, the proceeds of which were loaned to GVA Partnership, LLC (the "Owner"); and

WHEREAS, the Owner has a leasehold interest in the Project subject to the terms of a Ground Lease (the "Ground Lease"); and

WHEREAS, the Board of Supervisors of Fairfax County, Virginia, has approved the Baileys Crossroads Streetscape project; and

WHEREAS, in order to implement the Baileys Crossroads Streetscape project, the Fairfax County Department of Public Works and Environmental Services (Land Acquisition Division) has filed quick-take certificates to obtain land rights for two parcels located at the Grand View Apartments Project; and

WHEREAS, the Fairfax County Department of Public Works has made a bona fide offer for those land rights; and

WHEREAS, that certain Estoppel Certificate and Agreement, dated as of April 15, 1998, by and among John Thorpe Richards (as trustee under the Trust Agreement dated February 28, 1962 between Nicholas C. Miller and Jay W. Miller, as grantors, and John Thorpe Richards, as trustee) pursuant to a Trust Agreement dated January 28, 1982 ("Lessor") and GVA Partnership, LLC ("Lessee"), the Authority, and SunTrust Bank (formerly, Crestar Bank), as bond trustee (the "Trustee"), provides, among other things, that the Lessor (Lessor under the Ground Lease) shall not consent to or accept any condemnation award or offer in lieu of condemnation without the Authority's and the Trustee's prior written consent;

NOW, THEREFORE, BE IT RESOLVED, that the Authority (i) provides its consent; and hereby directs the Trustee to consent to the condemnation offer and award in the amount of \$196,430 made by the Fairfax County Department of Public Works and Environmental Services (Land Acquisition Division) for the implementation of the Baileys Crossroads Streetscape project and (ii) directs the Department of Housing and Community Development to determine the amount of the proceeds to repair or restore the Project, and further directs that any amounts remaining from the Lessee's portion of the proceeds after such repair and restoration shall be transferred to the Bond Fund held under the Indenture and used to redeem Bonds, as provided in the Indenture.

A motion was made by Commissioner Kyle, seconded by Commissioner Jasper, to adopt Resolution Number 56-03. A brief presentation was given by Michael Pearman, Management Analyst, REFGM Division, after which he responded to questions from the Commissioners.

A vote was taken on the motion to adopt Resolution Number 56-03, and the motion carried unanimously.

6. RESOLUTION NUMBER 57-03

AUTHORIZATION TO ENTER INTO A CONTRACT WITH STV INCORPORATED FOR THE PROVISION OF ARCHITECTURAL AND ENGINEERING SERVICES FOR SITE ANALYSIS AND EVALUATION TO IMPLEMENT THE MAGNET HOUSING PROGRAM

Whereas, the Fairfax County Redevelopment and Housing Authority (FCRHA) issued a Request for Qualifications to identify a qualified firm to provide architectural and engineering services related to implementation of the Magnet Housing Program; and

Whereas, a Selection Advisory Committee selected STV Incorporated, after review of the qualifications and interviews with potential contractors; and

Whereas, funding is available in Fund 142, Community Development Block Grant for the Magnet Housing Program;

NOW THEREFORE BE IT RESOLVED, that the FCRHA hereby authorizes its Chairman, Vice Chairman or any Assistant Secretary to enter into the contract with STV Incorporated in the amount of up to \$89,025 as provided as an attachment to the Action Item presented to the FCRHA on July 31, 2003.

A motion was made by Commissioner Dunn, seconded by Commissioner Butler, to adopt Resolution Number 57-03. A brief presentation was given by John Payne, Director of Design, Development and Construction, HCD, after which he responded to questions from the

Commissioners.

A vote was taken after discussion, and the motion to adopt Resolution Number 57-03 carried unanimously.

7. RESOLUTION NUMBER 58-03

AUTHORIZATION TO ENTER INTO A NEW MEMORANDUM OF UNDERSTANDING
FOR THE USE OF THE ROBINSON SQUARE, BARROS CIRCLE AND RAGAN OAKS
COMMUNITY CENTERS BY FAIRFAX AREA CHRISTIAN EMERGENCY AND
TRANSITIONAL SERVICES, INC. (FACETS)

BE IT RESOLVED that the Fairfax County Redevelopment and Housing Authority (FCRHA) hereby authorizes the Chairman, Vice-Chairman, or any Assistant Secretary, on behalf of the FCRHA, to enter into the proposed new Memorandum of Understanding for the use of the Robinson Square, Barros Circle and Ragan Oaks community centers by Fairfax Area Christian Emergency and Transitional Services, Inc. (FACETS) as provided as an attachment to the Action Item presented to the FCRHA at its July 31, 2003 meeting.

A motion was made by Commissioner Jasper, seconded by Commissioner McAloon, to adopt Resolution Number 58-03. A vote was taken and the motion carried unanimously.

Two Action Items, Resolutions 64-03 and 65-03, were considered after Closed Session and will be reported in that order.

ADMINISTRATIVE ITEMS

1. RESOLUTION NUMBER 59-03

AMENDMENT TO THE FAIRFAX COUNTY REDEVELOPMENT AND
HOUSING AUTHORITY PURCHASING RESOLUTION TO CONFORM TO THE FAIRFAX
COUNTY PURCHASING RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Fairfax County Redevelopment and Housing Authority (FCRHA) hereby:

- 1) adopts the Fairfax County Purchasing Resolution (hereinafter called the County Purchasing Resolution) with amendments dated July 7, 2003, which has been presented to the FCHRA Commissioners at or prior to this meeting, and incorporates the same as the FCRHA Purchasing Resolution; and

- 2) directs that County Purchasing Resolution shall hereinafter be referred to as the FCRHA Purchasing Resolution.

A motion was made by Commissioner Dunn, seconded by Commissioner Jasper, to adopt Resolution Number 59-03. A vote was taken, and the motion carried unanimously.

2. RESOLUTION NUMBER 60-03

AUTHORIZATION TO REVISE THE CURRENT ADMISSIONS AND OCCUPANCY
POLICY OF THE PUBLIC HOUSING PROGRAM

BE IT RESOLVED that the Fairfax County Redevelopment and Housing Authority authorizes the Department of Housing and Community Development to revise the Admissions and Occupancy Policy for the Public Housing program to bring the policy into compliance with current practices and regulations of the U.S. Department of Housing and Urban Development (HUD) as described in the Administrative Item presented to the FCRHA at its July 31, 2003 meeting.

A motion was made by Commissioner Jasper, seconded by Commissioner McAloon, to adopt Resolution Number 60-03. A vote was taken after discussion, and the motion carried unanimously.

3. RESOLUTION NUMBER 61-03

AUTHORIZATION TO REVISE THE CURRENT ADMINISTRATIVE PLAN OF THE
SECTION 8 HOUSING CHOICE VOUCHER RENTAL PROGRAM

BE IT RESOLVED that the Fairfax County Redevelopment and Housing Authority authorizes the Department of Housing and Community Development to revise the Housing Choice Voucher Administrative Plan to bring the plan into compliance with current practices and regulations of the U.S. Department of Housing and Urban Development (HUD) as described in the Administrative Item presented to the FCRHA at its July 31, 2003 meeting.

A motion was made by Commissioner Jasper, seconded by Commissioner Kyle, to adopt Resolution Number 61-03. A vote was taken after discussion, and the motion carried unanimously.

4. RESOLUTION NUMBER 62-03

AUTHORIZATION TO SUBMIT SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP) CERTIFICATION AND PUBLIC HOUSING ASSESSMENT SYSTEM (PHAS) MANAGEMENT OPERATIONS CERTIFICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

BE IT RESOLVED that the Fairfax County Redevelopment and Housing Authority authorizes the submission of the Section 8 Management Assessment Program (SEMAP) certification and the Public Housing Assessment System (PHAS) Management Operations certification to the U.S. Department of Housing and Urban Development (HUD) for the fiscal year ending June 30, 2003.

A motion was made by Commissioner Jasper, seconded by Commissioner McAloon, to adopt Resolution Number 62-03. Mike Finkle, Director of Housing Management, gave a presentation and responded to questions from the Commissioners. A vote was taken after discussion, and the motion carried unanimously.

5. RESOLUTION NUMBER 63-03 (corrected)

APPOINTMENT TO THE CONDOMINIUM BOARDS OF
HERNDON HARBOR HOUSE II AND GUM SPRINGS GLEN
(DRANESVILLE AND MOUNT VERNON DISTRICTS)

BE IT HEREBY RESOLVED THAT the Fairfax County Redevelopment and Housing Authority:

1. Appoints Michael Finkle, Director of Housing Management for the Fairfax County Department of Housing and Community Development ("HCD"), to the Board of Directors of the Condominium Associations for Herndon Harbor House II and Gum Springs Glen to fill the third, vacant position; and

2. Authorizes Michael Finkle to continue to serve on the Board of Directors of the Condominium Associations for Herndon Harbor House II and Gum Springs Glen so long as he is employed by the Fairfax County Department of Housing and Community Development occupying his position of Director of Housing Management.

Commissioner Dunn requested that correction be made to Resolution Number 63-03,

changing Hunter Mill District to Dranesville District.

A motion was made by Commissioner Lardner, seconded by Commissioner Dunn, to adopt Resolution Number 63-03. A vote was taken after discussion, and the motion carried unanimously.

CONSIDERATION ITEM

1. PROPOSED FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY POLICY TO REQUIRE NOTICE OF PUBLICLY FUNDED AFFORDABLE HOUSING PROJECTS

Commissioner Butler requested that this item be tabled without prejudice in order to allow time to gather more facts before any action is taken. Discussion followed. After discussion, a motion was made by Commissioner Jasper, seconded by Commissioner McAloon, to table the resolution and bring it back to the FCRHA no later than October 2003. A vote was taken, and the motion carried unanimously.

Chairman Egan announced that he will not be in attendance at the September meeting.

CLOSED SESSION

A motion was made by Commissioner Dunn, seconded by Commissioner McAloon, that the Fairfax County Redevelopment and Housing Authority ("FCRHA") go into Closed Session for:

- (a) discussion and consideration, pursuant to Virginia Code Section 2.2-3711(A)(3), of the disposition of publicly held real property located in Fairfax County on Westglade Court near Sunrise Valley Drive, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the FCRHA, and
- (b) consultation, pursuant to Virginia Code Section 2.2-3711(A)(7), with the FCRHA's legal counsel regarding legal matters in connection with a proposed public notification requirement in certain contracts with non-profit organizations receiving public funds that require the provision of legal advice by such counsel,

- (c) discussion and consideration, pursuant to Virginia Code Section 2.2-3711(A)(3), of the acquisition of real property for a public purpose located in Fairfax County at 4175 Brookgreen Drive where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the FCRHA; and

The motion carried after a roll call vote, and the FCRHA went into Closed Session at 8:30 p.m.

OPEN MEETING RESUMED

A motion was made by Commissioner Dunn, seconded by Commissioner McAloon, that that the members of the Fairfax County Redevelopment and Housing Authority certify that to the best of their knowledge only public business matters lawfully exempted from the open meeting requirements prescribed by the Virginia Freedom of Information Act and only matters identified in the motion to convene Closed Session were heard, discussed or considered by the Fairfax County Redevelopment and Housing Authority during Closed Session.

A vote was taken by roll call as follows:

AYE

NAY

ABSTAIN

Conrad Egan
Martin Dunn
Kenneth Butler
Willard Jasper
John Kershenstein
Charlen Kyle
Elisabeth Lardner
Albert McAloon
Lee Rau

The motion carried, and the FCRHA resumed open meeting at 9:30 p.m.

ACTION ITEMS Cont'd:

8. RESOLUTION NUMBER 64-03

AUTHORIZATION TO EXECUTE A DEED OF RIGHT OF WAY EASEMENT TO
COLONIAL PIPELINE COMPANY ON CERTAIN PROPERTY OF THE GREEN LIMITED
PARTNERSHIP (HUNTER MILL DISTRICT)

WHEREAS, the Fairfax County Redevelopment and Housing Authority ("FCRHA") is a General Partner of The Green Limited Partnership and The Green Limited Partnership is the owner in fee simple of certain Land situated in Fairfax County (the "Land"), as such term is more particularly defined below, subject to encumbrance of a certain Deed of Trust securing a note held by Sun Trust Community Development Corporation-Mid Atlantic ("SunTrust"), the encumbrances of a certain Second Deed of Trust and a certain Third Deed of Trust securing notes held by the FCRHA, and certain other encumbrances recorded among the land records of Fairfax County, Virginia, such Land being more particularly described as:

Block 4, RESTON, Section Thirty-Eight-A, as the same is duly dedicated, platted and recorded in Deed Book 3523 at Page 709, and corrected in Deed Book 3710 at Page 497 among the land records of Fairfax County, Virginia, and containing 2.94881 acres, more or less. And having a street address of: 12400 Glade Drive, Reston, Virginia 22091; and

WHEREAS, the Land is developed as a garden apartment development and is operated as a rental project for rental to persons and families with qualified income pursuant to, among other things, agreements with the United States Department of Housing and Urban Development ("HUD"), and

WHEREAS, Colonial Pipeline Company ("Colonial") presently operates a pipeline in the vicinity of the Land for the interstate transportation of liquids, gases, solids and/or mixtures of any or all thereof; and

WHEREAS, Colonial has determined that a portion of the presently operating pipeline having a 32 inch diameter should be replaced and relocated, that such relocation reasonably must include alignment of a portion of the relocated pipeline in an easement across a portion of the Land, and that such relocation must be accomplished within a very brief time beginning in the summer of 2003; and

WHEREAS, Colonial has advised the FCRHA that Colonial is a "public service corporation" pursuant to the Code of Virginia and that, as such, it has, and may exercise if necessary, the power of eminent domain to condemn and acquire property for its pipeline purposes, as provided for by the Code of Virginia; and

WHEREAS, Colonial has advised the FCRHA that it would exercise its power of eminent domain to condemn an easement across the Land for the relocation of the pipeline if

it could not reach an agreement with The Green Limited Partnership to provide the necessary easement across the Land; and

WHEREAS, Colonial has filed its petition of condemnation against The Green Limited Partnership in the Circuit Court of Fairfax County, Virginia seeking to exercise its power of eminent domain to condemn an easement across the Land for Colonial's relocation of the pipeline; and

WHEREAS, The Green Limited Partnership, SunTrust, the FCRHA, and HUD desire Colonial to take certain actions in its construction of the relocated pipeline across the Land and to make certain provisions in the terms and conditions of the easement that Colonial would not do or make if it were to condemn an easement across the Land; and

WHEREAS, Colonial has offered to take certain actions in its construction of the relocated pipeline across the Land and to make certain such provisions in a Deed of Right of Way Easement if an agreement is reached and the required easement across the Land is provided to Colonial without the cost and delay of eminent domain proceedings; and

WHEREAS, under such circumstances, the FCRHA desires to enter into a Deed of Right of Way Easement.

NOW THEREFORE BE IT RESOLVED, that the FCRHA hereby authorizes its Chairman, Vice Chairman, or any Assistant Secretary to execute a Deed of Right of Way Easement to the Colonial Pipeline Company on behalf of the FCRHA in its capacity as the General Partner of the Green Limited Partnership and in its capacity as beneficiary of the Second and Third Deeds of Trust secured in part by the Land with respect to the approval of the subordination of the Second and Third Deeds of Trust to the easement granted by such Deed of Right of Way Easement, all on terms and conditions substantially in accordance with the form of the Deed of Right of Way Easement presented to the FCRHA in closed session on July 31, 2003.

A motion was made by Commissioner Rau, seconded by Commissioner Jasper, to adopt Resolution Number 64-03. After discussion, a vote was taken, and the motion carried unanimously.

9. RESOLUTION NUMBER: 65-03

AUTHORIZATION TO NOT CURE THE DEFAULT; AND

AUTHORIZATION TO MAKE A PRE-FORECLOSURE PURCHASE UPON OBTAINING WRITTEN AGREEMENT FROM THE BANKRUPTCY COURT TO SELL THE ADU TO THE FCRHA; OR THAT FAILING,

AUTHORIZATION TO BID/PURCHASE AT THE FORECLOSURE SALE OF
4175 BROOKGREEN DRIVE, FAIRFAX, VA 22033,
AN AFFORDABLE DWELLING UNIT (ADU) IN THE SPRINGFIELD DISTRICT

BE IT RESOLVED that the Fairfax County Redevelopment and Housing Authority (FCRHA):

1. (a) Shall not take any action to cure the loan default on the Property.

(b) Authorizes a pre-foreclosure purchase upon obtaining written approval from the bankruptcy court to sell the ADU to the FCRHA not to exceed the amount presented by staff in closed session; or that failing,

(c) Authorizes bidding at the foreclosure sale for the purchase of the ADU Property not to exceed the amount presented by staff in closed session;
2. Authorizes the Chairman, Vice Chairman, or any Assistant Secretary, to ~~negotiate~~ and to execute any and all documents necessary to purchase the ~~property, with the~~ permission of the Bankruptcy Trustee as set forth herein; and
3. Authorizes drawing upon the line of credit at the SunTrust Bank, Fund 948, Private Financing in the amount not to exceed an amount presented by staff in closed session to cover acquisition and carrying costs to be repaid from the sale of the unit as an ADU to a first-time homebuyer.

A motion was made by Commissioner Kershenstein, seconded by Commissioner Dunn, to adopt Resolution Number 65-03. A vote was taken, and the motion carried unanimously.

INFORMATION ITEMS:

1. Fairfax County Redevelopment and Housing Authority Meeting Summary – June 26, 2003
2. Contracts of \$50,000 or Less

3. Minutes of the Housing Ownership, Management, and Security Committee Meeting – July 22, 2003
4. Minutes of the Revitalization and Redevelopment Committee Meeting – July 22, 2003
5. Minutes of the Finance Committee Meeting – July 23, 2003
6. Minutes of the Planning and Development Committee Meeting – July 23, 2003
7. Affordable Dwelling Unit (ADU) Tracking Report – *brief discussion*
8. Quarterly At-Risk Housing Projects Report: Status of the Project-Based Section 8, Section 221(d) (3)/236, and Bond Financed Developments and Non-Subsidized Housing with Modest Rents in Fairfax County – *presentation by Michael Pearman and discussion*
9. Status of Housing Choice Voucher Homeownership Pilot Program – *brief presentation by Barbara Silberzahn and discussion*
10. Fairfax County Redevelopment and Housing Authority Calendar of Meetings for August and September, 2003. *Reminders were made of August 19 tour and September 4 Joint FCRHA and RAC meeting.*

BOARD MATTERS – See Attachment #1

ADJOURNMENT

A motion was made by Commissioner Kershenstein, seconded by Commissioner Kyle, to adjourn the meeting at 10:05 p.m. A vote was taken, and the motion carried unanimously.

(Seal)

Conrad Egan, Chair

Paula C. Sampson, Assistant Secretary